

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION AND SAFETY BOARD

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In the matter of: :
: :
THE INVESTIGATION OF THE :
CAPSIZING OF THE WATER TAXI : Docket No:
LADY D IN BALTIMORE HARBOR, : DCA04MM015
MARYLAND :
ON MARCH 6, 2004 :
: :
INTERVIEW OF: :
: :
E.V. CUBICK, :
ROBERT BENNETT :
BALTIMORE POLICE DEPARTMENT :
: :
- - - - -x

NTSB
Office of Marine Safety
MS-10
490 L'Enfant Plaza East SW
Washington, DC 20594
Friday, March 12, 2004

The above captioned interview convened, upon agreement
of the parties at 7:30 a.m.

BEFORE:

Mariette Burer
National Transportation Safety Board

P R O C E E D I N G S

7:30 a.m.

MS. BURER: Okay, today is - it's 7:30, Friday morning, March 11th -- 12th, okay. My name is Mariette Burer and I work with the National Transportation Safety Board and to my left is:

OFFICER CUBICK: Police officer Jeffrey A. Cubick, Baltimore Police, Marine unit.

OFFICER BENNETT: I'm Officer Robert Bennett, also Baltimore City Police Marine.

LT. BARANOWSKI: Lieutenant Scott Baranowski, Coast Guard Sector, Baltimore.

MR. NARAZANO: Ed Narazano, director of support captain.

MS. BURER: Okay. What I would like to do is just get a little bit of background as far as your work experiences, and then work our way up to the actual week and then - so why don't we start with you. As far as coming here ... what your normal job is?

OFFICER CUBICK: Police officer for 26 years assigned to the marine unit now for 11 years.

OFFICER BENNETT: Officer Robert Bennett. I'm with the department for 26 years, I've been with the marine unit for 20 years.

MS. BURER: Do you - let's start with you first. Can you go ahead and go back to Friday morning, so I can kind of get an idea of what your normal

1 schedule is like, and then Saturday - go into Saturday
2 when the actual accident occurred. So it looks like 48
3 hours.

4 OFFICER CUBICK: Friday we were on evening
5 shift, which was 1500 to 2300 hours. And Friday
6 evening was normal patrol, waterfront security for
7 homeland security, checking oil refineries, shorelines
8 and any traffic that was entering or had to leave the
9 harbor. No boat stops, just observations in the area
10 which by evening there was not ...

11 Saturday afternoon repeating the same shift,
12 1500 to 2300 hours. Our roll call is at 1439 to 1500
13 hours. 1500 hours until approximately 1559 hours we
14 were in the station, administrative duties, paper work
15 and such. And then at 1559 hours, received a land line
16 through our quarters. I believe it was from police
17 dispatch, reporting that a water taxi had overturned.
18 That was Fort McHenry. That was the best information
19 that we received at that time.

20 Immediately following that phone call,
21 another one was received. I believe that one came in
22 to our station from Petty Officer Mendez, who was naval
23 reserve, reporting exactly the same as the police
24 dispatcher. We immediately responded to our 27-foot
25 boat - we had about three members of our emergency
26 services unit were out in our same building because of
27 the weather conditions.

1 Prior to the call we were in quarters and
2 the storm had come through, and we were all standing
3 inside the quarters noticing the violent weather coming
4 through. We knew it was a quick moving storm.

5 The three officers joined us, Officer Bennett
6 and myself. We responded out to the area through
7 pretty rough seas. The storm had virtually passed, but
8 the remaining back of it was still - the winds and
9 such. We responded out to the area of Fort McHenry,
10 not observing anything at that moment, and then one of
11 the officers, Bill Graber (ph) who was on the port
12 side, the landing craft from the naval reserve. And we
13 were a good distance off, so I turned the boat to port
14 and responded over to that area.

15 We got closer we actually saw the pontoons of
16 the overturned vessel up against the landing craft.

17 We made our way towards that scene there,
18 stayed off probably maybe a hundred yards, not
19 interfering with rescue. Saw a number of people in the
20 water, numbers aboard the landing craft - whether they
21 were naval personnel or they were civilians -- were
22 actually leaning over and pulling persons out of the
23 water. And again, this is rough seas. We didn't want
24 to get too close to that area other than secure what
25 they had to do.

26 And at one point, I was operating the boat so
27 my eyes were all over the area, Officer Bennett and

1 then the three other ... services were all out on the
2 back deck. They had a better observation, but at one
3 point I saw the landing craft, now with the pontoon of
4 the capsized vessel in front of them, and at one point
5 they lowered the gate, they were actually lifting the
6 pontoon up.

7 At that time I observed somebody, rather ...
8 from that distance, a light female in a pink jacket.
9 They pulled her on board ... I believe it was one of
10 the fire boats members pointed, there's one over there,
11 pointing, in the direction towards the camp area.

12 So I maneuvered our boat over to that area
13 and within, I think less than a minute, we observed the
14 body of a female floating face up in the water, just
15 below the water surface. I maneuvered the boat.
16 Officer Bennett pretty much and the three ... officers
17 leaned over with the boat hook, got hold of her. At
18 this time I was still maneuvering the boat in pretty
19 heavy sea, and they extricated her out of the water,
20 placed her on board our boat. CPR lifesaving methods
21 were begun.

22 And I believe the fire boat was pretty close
23 and I could yell to them, or I don't remember if I
24 actually got on the radio to them - where do we go? I
25 didn't know if they were - you know, where the medic
26 units were or anything like that. They said, "Take her
27 over to your pier," which is the 3100 block of Boston

1 Street, the boat ramp over there.

2 So I made the turn towards the boat ramp and
3 sped over to that area at which time Baltimore City
4 fire department was standing by. Transferred the
5 victim over to them and we went back out.

6 From there on, it appeared that everyone was
7 out of the water that was near that landing craft and
8 we did a - went into a search and rescue, covering the
9 shorelines in the direction the wind that was blowing
10 and we were out there probably 45 minutes to about an
11 hour and a half, doing searches. I was constantly on
12 the radio, trying to get an update of the amount of
13 passengers that were on board. That had changed so
14 many different times. Finally we got ... we believe it
15 was 25, 23 passengers and crew.

16 And from then on the entire search and
17 locating debris - PFDs that were floating, they were
18 all floating in the little coves there. No other
19 persons were found in the water at that time.

20 (Tape paused.)

21 MS. BURER: Okay, you got the call at 1559,
22 right?

23 OFFICER CUBICK: That's correct.

24 MS. BURER: That's from the land line, right,
25 ... and dispatched you, right? And then next door
26 called also.

27 OFFICER CUBICK: Back to back.

1 OFFICER BENNETT: Police officer Post
2 answered both phone calls ...

3 MS. BURER: Okay. Do you remember how long -
4 what exactly - is that where you're responding from?
5 41 Homebridge (ph)?

6 OFFICER CUBICK: Well, that's - The ... house
7 is one block. We're on the corner of -- 3201 Boston
8 Street is our actual address. It's our quarters.

9 MS. BURER: Okay. So how long does it take
10 to actually come to the scene?

11 OFFICER CUBICK: Less than what? Four
12 minutes?

13 MS. BURER: Four minutes? Okay.

14 OFFICER CUBICK: Yes.

15 MS. BURER: And do you have to do any kind of
16 preparation before - are you allotted a certain amount
17 of time to actually get dispatched before you - you
18 know, like maybe some men took a few minutes to get
19 ready, so you -

20 OFFICER CUBICK: No, we are always ready at
21 1559 hours.

22 OFFICER BENNETT: It's just a matter of
23 getting our coats and firing up the engines on the
24 boat, and untying, and off we go.

25 MS. BURER: When you come to ... waht do you
26 call ... checks to make sure everybody's ready to go.
27 Is that the same -

1 OFFICER BENNETT: We go over ... afternoon,
2 as far as making boat checks, check the oil levels,
3 fuel.

4 MS. BURER: Okay, would you just describe a
5 little bit about your boats, exactly waht it is -- I
6 have no idea.

7 OFFICER CUBICK: Okay. Twenty-seven foot,
8 Sea Ark, Commander Lamb. And it's equipped with the
9 auto pilot. It's an aluminum built hull with twin
10 Evinrude 225 horse fuel injectors. It's eight months
11 old.

12 MS. BURER: That's kind of nice, isn't it?
13 New equipment.

14 OFFICER CUBICK: It's great.

15 MS. BURER: All right. Okay, so the response
16 time is approximately three to four to five minutes.
17 You got on the scene and you saw one person in the
18 water, or how many people did you see in the water, do
19 you remember?

20 OFFICER CUBICK: Well, I was looking at the
21 overall picture. Bobby was focusing on - not only that
22 -

23 MS. BURER: Do you want to take it from that
24 time period, when you first arrived on the scene and
25 what exactly you saw and then take it all the way
26 through?

27 OFFICER BENNETT: I do. What I observed was
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1 the people around the landing craft, they were being
2 picked up.

3 MS. BURER: Okay.

4 OFFICER BENNETT: Many people were already on
5 the landing craft, and as we approached, which was
6 shortly, they started lifting the pontoon boat up.
7 That's when I observed the one girl with the pink
8 jacket wash out from under the boat, and the life
9 jackets were coming out from under the boat. As
10 Officer Cusick said, one of the firemen off the fire
11 boat - he jumped in the water. He had, I believe, Mrs.
12 Price, because he said she had black pants on. Due to
13 conditions, he couldn't hold on to her and the fire
14 boat tried to make a rescue attempt, and then ... that's
15 when we observed her and we went over to Mrs. Price and
16 extricated her from the water and took her to the ramp.

17 MS. BURER: Okay, so the fire fighters
18 actually had to rescue their own?

19 OFFICER BENNETT: Yes.

20 MS. BURER: Okay. Did anyone else come with
21 you when you went back with Mrs. Pierce after you had
22 pulled her out? Did anyone else besides your own crew?

23 OFFICER BENNETT: No, ma'am.

24 MS. BURER: Okay. Okay, how long do you
25 think all that took, from when you first picked Mrs.
26 Pierce up all the way back to 31, right? 3100 Boston
27 Street?

1 OFFICER BENNETT: Probably two to three
2 minutes.

3 MS. BURER: Okay.

4 OFFICER BENNETT: The fire department was
5 already there at the ramp. The paramedics came out and
6 we transferred her ...

7 MS. BURER: I don't have any further
8 questions. Scott, did you?

9 LT. BARANOWSKI: Lieutenant Baranowski, Coast
10 Guard. The police officer quarters, is that at 3201
11 Boston Street.

12 OFFICER BENNETT: Yes, sir.

13 LT. BARANOWSKI: And the first person you
14 picked up and transferred her to your location?

15 OFFICER BENNETT: Yes, sir.

16 LT. BARANOWSKI: And would you all explain
17 again the weather that you had seen that afternoon
18 after responding to the event?

19 OFFICER CUBICK: After we got the call?

20 LT. BARANOWSKI: Yes.

21 OFFICER CUBICK: It was still raining, not as
22 hard. The height of the storm, which was probably five
23 minutes earlier, when we got the call. Seas were
24 rough, white caps. Wind was coming out of the west,
25 southwest and we know that because of the way that our
26 building faces the harbor, the rains were coming
27 directly at our front windows and it was a horizontal

1 rain. Sea swells, up in the turning basin, in this
2 area, three to four, maybe five-foot white caps. It
3 was still raining, not as hard as I said, as we were
4 responding and slowly the storm - well, I would say
5 quickly the storm exited the area. Partly cloudy skies
6 and the rain stopped, but the winds were still steady,
7 seas were still rough. And that's just about it.

8 LT. BARANOWSKI: When you did pick up the one
9 person, the body, what kind of condition was the body
10 in? You said you did some CPR, and what type of
11 condition?

12 OFFICER CUBICK: When I observed her, she was
13 face up, ..., right at water level, not much - surfacing
14 the water, right at water level, or actually right
15 below water level, and bobbing up and down. Officer
16 Bennett can take it from there.

17 OFFICER BENNETT: Her eyes were opened. We
18 quickly as we could, we got her onto the boat and
19 Officer Bacon performed CPR.

20 LT. BARANOWSKI: Was she unconscious?

21 OFFICER BENNETT: She wasn't breathing at
22 that time.

23 LT. BARANOWSKI: No further questions.

24 MS. BURER: Do you have any questions?

25 MR. NARZANO: I don't think so. ... in your
26 ship, what was the weather like a few hours before?

27 OFFICER CUBICK: Clear, no wind.

1 OFFICER CUBICK: It was a nice afternoon.

2 Got there probably a little after three.

3 MR. NARZANO: Did you have any discussion ...

4 OFFICER CUBICK: No, none whatsoever. Other
5 than noticing the cloud cover coming in over downtown.
6 Didn't think anything of it. I believe the television
7 was on in our quarters, in our ready rooms. No
8 information of weather, violent weather on the station.
9 The weather channel on the VHF wasn't turned on. We
10 don't listen to that. It's something we rarely get
11 information ... or work at. But generally, heavy weather
12 doesn't bother us at all, we still go out. Violent
13 weather, no. Common sense just dictates that you don't
14 do that. But it was a normal afternoon, other than the
15 storm coming.

16 MR. NARZANO: Would there have been, in your
17 opinion, anything unusual about that storm?

18 OFFICER BENNETT: ... dark cloud cover ...

19 MR. NARZANO: ... exceptional ... from the storm?

20 OFFICER BENNETT: No, none whatsoever.

21 MR. NARZANO: Nothing further.

22 MS. BURER: Did you see any lightning?

23 OFFICER CUBICK: A lot of flashing, but I
24 don't know if it was lightning.

25 MS. BURER: Okay.

26 OFFICER CUBICK: I was really concentrating
27 on operating the boat. Well, there were ... crew members

1 on board, four of them were out on the deck, in and
2 out, you know, of the cabin, but basically - you want
3 to add anything?

4 OFFICER BENNETT: While we were in quarters,
5 before the call came out, I heard the thunder and I -
6 although I wasn't looking out the window, you could see
7 the flashes.

8 MS. BURER: Okay. ... are they all safety-
9 contained areas, so it's not like ...

10 OFFICER BENNETT: No, they're all ...

11 OFFICER CUBICK: The marine unit and ... patrol
12 occupies the first level of that building.

13 MS. BURER: Okay, and how long again, did it
14 take for you guys to get on the scene?

15 OFFICER CUBICK: Less than four.

16 MS. BURER: I don't have any more questions.

17 LT. BARANOWSKI: None.

18 MS. BURER: Okay. All right. Can you guys
19 just acknowledge that the interview has been tape
20 recorded?

21 OFFICER CUBICK: I do.

22 OFFICER BENNETT: Officer Robert Bennett, the
23 conversation has been recorded.

24 MS. BURER: Thank you.

25 (Whereupon, the interviews in the above
26 captioned matter were concluded.)

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